

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ROBERT DORMAN and DOUGLAS
HULME,

Plaintiffs,

v.

JACK DAUGHERTY and WILLIAM
MUDGE,

Defendants.

Case No. 3: 21-cv-1395-JPG

ORDER TO SHOW CAUSE

On March 23, 2022, this Court dismissed various defendants from this action pursuant to two motions to dismiss. (Doc. 44). The Court dismissed, without prejudice, the following defendants: Madison County, Chris Slusser, Thomas Gibbons, Rick Faccin, Ray Wesley, Mike Walters, Jamie Goggins, Erica Harriss, Chris Bethel, Patrick McRea, Mike Parkinson, Bob Daiber, Tom McRea, Jennifer Zoelzer, Jennifer Mudge, Jeff Connor, Erick Decker, David Vucich, and John D. Lakin, and J.F. Electric. Therefore, the only two defendants left in this action are Jack Daugherty and William Mudge. These defendants have not been served in this action yet and do not have counsel entered on their behalf. This action was originally removed to the Southern District of Illinois on November 8, 2021. (Doc. 1). Various defendants who were served consented to removal.

Pursuant to Rule 4(m), “[i]f a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. Rul. Civ. Proc. 4(m). As of entry of this order, plaintiffs have not effectuated service on defendants Jack Daugherty and William Mudge. Because these two defendants have not been

served by plaintiffs, there are no defendants postured to engage in mediation. Thus, plaintiffs have not conducted the required two-hour mediation session, which was due to this Court on June 22, 2022 (Doc. 31).

The Court hereby **ORDERS** plaintiffs to **SHOW CAUSE** by August 11, 2022, as to why the Court should not dismiss this action against all remaining defendants for failure to serve defendants within the 90 days prescribed in Rule 4(m). If the plaintiffs do not provide good cause for failure to adhere to the federal rules of civil procedure, or do not respond to the Court by August 11, 2022, the Court will dismiss plaintiffs' action (Doc. 1) without prejudice. The Court has discretion to dismiss actions for lack of prosecution pursuant to Federal Rule of Civil Procedure 41(b) and/or the Court's inherent authority to manage its docket. *See In re Bluestein & Co.*, 68 F.3d 1022, 1025 (7th Cir. 1995); *see Grun v. Pneumo Abex Corp.*, 163 F.3d 411, 425 (7th Cir. 1998).

IT IS SO ORDERED.

Dated: July 12, 2022

/s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE